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SUBJECT: BELLINGER REVIEWS KOSOVO WITH PORTUGUESE

Classified By: POL CHIEF TROY FITRELL, REASONS 1.4 (B,D)

¶1. (U) Department Legal Adviser John Bellinger, in Lisbon July 26-28 to continue a counterterrorism dialogue with the EU, also discussed the situation in Kosovo with senior Foreign Ministry Officials.

¶2. (C) During Bellinger's initial call to the Foreign Ministry, Bellinger emphasized the USG's support for Kosovo independence, our position that a new UNSCR is not legally required to achieve this, and the importance of achieving our goals within the ongoing 120-day transition period because of limits on Kosovar patience. Foreign Minister Amado noted that Portugal's EU presidency role required it to seek consensus among EU members. He said he would try to bring the EU into alignment with the US through the development of an EU common position that would allow individual EU states to recognize Kosovar independence. Amado was uncertain that the current 120-day period would be enough time to achieve a broad consensus, but agreed with Bellinger's point that the Kosovars may not agree to any further extension.

¶3. (C) At a later event at a think-tank, Foreign Ministry Political Director Ambassador Vasco Bramao Ramos opined that UNSC 1244 ruled out independence as a legal matter and that a new UNSC resolution would be legally required. Bramao Ramos continued that there was nothing specific about the current 120-day period that required action, terming it, "only the current round." Bellinger vigorously disputed both points. He noted that the provisions of UNSC 1244 (the Ahtisaari plan, establishment of legal institutions, etc.) have been met and that UNSCR 1244 would not legally prevent Kosovo from achieving independence. He also noted that while a new UNSCR might be desirable for policy purposes, it is not necessary and would not be realistic in light of Russian opposition. He also noted that no one (including the USG) would be able to persuade the Kosovars to be patient indefinitely and that any course which extends beyond the existing 120-day period is likely to test the limits of their patience.

¶4. (C) Following the event, Bramao Ramos sought to clarify his remarks on timing, noting that his government would endeavor to achieve a solution to the issue within the 120-day period. If they fail to do so in that time frame but a solution was in sight, he hoped the U.S. would help convince the Kosovars to give another 30 days or so.

Comment

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¶5. (C) Bramao Ramos's comments neither reflected the understanding expressed by his Minister nor by Bramao Ramos himself in recent meetings with A/S Fried. Minister Amado and other senior GOP officials have been steadfast in their support for the Ahtisaari plan, but Bramao Ramos's initial remarks reflect a concern about the consequences of proceeding without a UNSC resolution. Bramao Ramos realized quickly that his initial comments were not consistent with his government's position on Kosovo, and he clearly felt the

need to backpedal when he approached Bellinger after the event. MFA Legal Adviser Luis Tavares, who was present at each of these meetings, did not contest our interpretation of UNSCR 1244.

Hoffman